

OCA 86-1609
6 May 1986

W. G. A.

MEMORANDUM FOR: C/PCS/DDO
C/ALD/OGC
C/OSD/OGC
AGC/DDO

FROM: [redacted]

STAT

OCA/Legislation

SUBJECT: Department of Justice (DoJ) FY-87 Authorization
Bill - S. 2376

1. Attached for your information are copies of pages S4931 through S4944 of the Congressional Record dated April 28, 1986. These pages contain:

- (a) The text of S. 2376, the Administration draft of the Department of Justice Authorization Act for fiscal year 1987, introduced by Senator Thurmond upon request;
- (b) the Senator's remarks upon introduction; and
- (c) a section-by-section analysis of the bill.

The Senate Judiciary Committee, which Senator Thurmond chairs, held a hearing on the bill on April 29, 1986.

2. As the Senator's remarks indicate, the Department has not had an authorization bill enacted into law for the last seven years. Unfortunately for the Department, there is no particular reason to believe that things will be different this year.

3. Your attention is directed to Section 3 of the bill. This section would amend Title 28 of the United States Code by adding a new Chapter thereof, Chapter 38, to authorize activities of the Department of a permanent basis. Section 578 of that Chapter ("Authorizations and Exemptions Available for Undercover Investigation Operations") would, among other things, enact into permanent law the authority for the Federal Bureau of Investigation to conduct "undercover" foreign counterintelligence operations. This authority parallels, to a certain extent, the legislation authorizing the Department of Defense (DoD) to create and operate proprietaries for intelligence operations which is contained in the Administration's Intelligence Authorization Act for Fiscal Year 1987 ("DoD proprietaries legislation").

4. The House counterpart to this bill is H.R. 4624, introduced (by request) by Representative Fish, Ranking Minority Member on the House Judiciary Committee. In the past, one of the reasons this legislation did not see action is that the House Judiciary Committee opposed the idea of making permanent (as opposed to "year-to-year") the Department's authorization, especially its authorization for supposedly controversial activities such as undercover and intelligence activities. Based on the fact that the House bill was introduced by Representative Fish, as opposed to Committee Chairman Rodino, it appears that the Committee still feels the same way.

5. To date, there has been no action in the House

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Attachment
as stated

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